

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

OSWALDO BARRIOS,	§	
on behalf of himself and all others similarly	§	
situated,	§	
Plaintiff,	§	
	§	CIVIL ACTION NO. 5:25-cv-291-JKP-ESC
v.	§	
	§	
INSTALLATION SQUAD, LLC; and	§	
MASTEC NETWORK SOLUTIONS, LLC,	§	
Defendants.	§	

**PLAINTIFF'S REQUEST FOR ENTRY OF DEFAULT AGAINST DEFENDANT
INSTALLATION SQUAD, LLC AND PLAINTIFF'S MOTION FOR ENTRY OF
DEFAULT JUDGMENT AGAINST DEFENDANT INSTALLATION SQUAD, LLC**

TO THE HONORABLE COURT AND THE DISTRICT CLERK:

Plaintiff hereby requests the Clerk to enter a default against Defendant Installation Squad, LLC, because the record in this case demonstrates that there has been a failure to plead or otherwise defend as provided by Federal Rule of Civil Procedure 55(a). Defendant Installation Squad's answer was due on May 1, 2025, but Installation Squad has not filed an answer or otherwise defended the case. The only document filed by Defendant Installation Squad in the case was its Motion for Extension of Time to Respond to the Amended Complaint, which does not constitute a defensive move for purposes of Rule 55(a). *See U.S. v. 51 Pieces of Real Prop.*, 17 F.3d 1306, 1314 (10th Cir. 1994) (holding that an initial appearance and motion for extension of time to file an answer "were not defensive moves").

Plaintiff further moves the Court for entry of a default judgment against Installation Squad under Federal Rule of Civil Procedure 55(b)(2). The Clerk has or will enter a default based on Defendant's failure to plead or otherwise defend the case. Plaintiff's claims are not for a sum

certain or a sum that can be made certain by computation. Accordingly, Plaintiff requests that the Court set a hearing to determine the amount of damages.

Defendant Installation Squad is a limited liability company, so it is impossible for it to be in military service or to be a minor or incompetent person. Plaintiff respectfully prays that the Clerk issue a default and that the Court, after hearing, enter a default judgment against Defendant Installation Squad in an amount to be determined at the hearing.

Respectfully submitted,

DEATS DURST & OWEN, PLLC

/s/ Matt Bachop

Matt Bachop

TBN: 24055127

mbachop@ddollaw.com

8140 N Mopac Expy, Suite 4-250

Austin, Texas 78759

(512) 474-6200

FAX (512) 474-7896

Attorney for Plaintiff

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing document has been served on all counsel of record by the Court's CM/ECF system and served on Defendant Installation Squad, LLC by e-mail to its principal, Franz Spasic, at fspasic@installationsquad.net, on this 30th day of June, 2025.

/s/ Matt Bachop

Matt Bachop